



Law Society
of Scotland

Consultation response

An updated marine litter strategy for Scotland

March 2022



Introduction

The Law Society of Scotland is the professional body for over 12,000 Scottish solicitors. With our overarching objective of leading legal excellence, we strive to excel and to be a world-class professional body, understanding and serving the needs of our members and the public. We set and uphold standards to ensure the provision of excellent legal services and ensure the public can have confidence in Scotland's solicitor profession.

We have a statutory duty to work in the public interest, a duty which we are strongly committed to achieving through our work to promote a strong, varied and effective solicitor profession working in the interests of the public and protecting and promoting the rule of law. We seek to influence the creation of a fairer and more just society through our active engagement with the Scottish and United Kingdom Governments, Parliaments, wider stakeholders and our membership.

Our Environmental Law and Marine Law Sub-committees welcome the opportunity to respond to Scottish Government's consultation on *An updated marine litter strategy for Scotland*¹. We do not seek to answer the consultation questions but have the following comments to put forward for consideration.

General comments

We welcome the emphasis in the consultation on the connection between the position on land and rivers and the state of the sea/coast, and the need for the National Litter & Flytipping and Marine Litter strategies to work together. We have responded separately to the Scottish Government's consultation on a *National litter and flytipping strategy*² and much of our response to that consultation is equally relevant here, particularly our comments regarding behaviour change and services and infrastructure.

As noted in our response to the *National litter and flytipping strategy* consultation, we recognise that a significant cultural and behaviour change will be required to tackle littering, and this applies equally to marine litter. Steps to alter the public acceptability of marine litter may need to be taken and we consider that this requires both public education and strong enforcement. We recognise the challenges associated with identifying who is responsible for marine litter, particularly given that much of the litter which washes up on shores in Scotland may have emanated from other parts of the world. It is important therefore to acknowledge that Marine Scotland will only be able to enforce breaches where culpability can be proven, and therefore proactive steps to reduce marine litter in the first place will be key to tackling the issue.

Recognising the proposed phased approach to actions, we question whether there may be additional interim/short-term steps, particularly around the removal of marine litter, that could be taken to demonstrate

¹ <https://consult.gov.scot/marine-scotland/updated-marine-litter-strategy-for-scotland/>

² <https://www.lawscot.org.uk/media/372577/22-03-31-env-consultation-national-litter-and-flytipping-strategy.pdf>

that timely action is being taken while medium- and longer-term measures are planned and carried out. There are already a range of delegated powers in place which would enable actions to be taken forward more quickly than set out in the consultation document.

While it is recognised that the responsibility for implementation of the actions within the strategy following the end of the consultation period lies with a number of bodies (including local authorities), Marine Scotland have a significant amount of responsibility for co-ordinating the implementation and also delivering a number of the specific actions identified in the consultation. We have a concern that the existing complex policy framework that Marine Scotland works within and the number of regulatory obligations that it already has to meet with regard to marine energy, fishing vessels, fisheries, licensing and marine animals and wildlife leaves little additional capacity for these new responsibilities. It would be useful to understand how that increased capacity is to be resourced so that the actions are adequately implemented and policed.

For further information, please contact:

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